

**THIRTY-NINTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 19, 2004**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Jenna Erlebach, Page.

Approval of Journal

February 19, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-eighth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

OFFICE OF THE GOVERNOR
Boise

February 18, 2004

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

H 565 and H 566

/s/ Very truly yours,
DIRK A. KEMPTHORNE
Governor

February 18, 2004

Mr. Speaker:

I return herewith enrolled **H 510** which has been signed by the President.

WOOD, Secretary

Enrolled **H 510** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 18, 2004

Mr. Speaker:

I transmit herewith **SCR 124** and **S 1277** which have passed

the Senate.

WOOD, Secretary

SCR 124 and **S 1277** were filed for first reading.

Report of Standing Committees

February 19, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 718, H 719, H 720, H 721, H 722, H 723, H 724, H 725, H 726, H 727, and H 728**.

FIELD(18), Chairman

H 719 was referred to the Agricultural Affairs Committee.

H 724 was referred to the Revenue and Taxation Committee.

H 725 was referred to the Business Committee.

H 726 was referred to the Commerce and Human Resources Committee.

H 727 was referred to the Judiciary, Rules, and Administration Committee.

H 728 was referred to the Education Committee.

H 718, H 720, H 721, H 722, and H 723 were filed for second reading.

February 16, 2004

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **H 628** and report it back with amendments attached to be placed on General Orders for consideration.

SALI, Chairman

H 628 was placed on General Orders for consideration.

February 18, 2004

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration **H 689** and **H 690** and recommend they be referred to the Revenue and Taxation Committee.

BARRETT, Chairman

H 689 and **H 690** were referred to the Revenue and Taxation Committee.

February 18, 2004

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration **H 683, H 681, H 680, and H 677** and recommend that they do pass.

JONES, Chairman

H 683, H 681, H 680, and H 677 were filed for second reading.

February 18, 2004

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENTAL AFFAIRS, report that we have had under consideration **HCR 40** and recommend that it do pass.

RAYBOULD, Chairman

HCR 40 was filed for second reading.

February 18, 2004

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENTAL AFFAIRS, report that we have had under consideration **H 676** and report it back with amendments attached to be placed on General Orders for consideration.

RAYBOULD, Chairman

H 676 was placed on General Orders for consideration.

February 18, 2004

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 655, H 654, and SJM 105** and recommend that they do pass.

WOOD, Chairman

H 655, H 654, and SJM 105 were filed for second reading.

February 18, 2004

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **HJM 17 and H 658** and recommend that they do pass.

SALI, Chairman

HJM 17 and H 658 were filed for second reading.

February 18, 2004

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **H 659** and report it back with amendments attached to be placed on General Orders for consideration.

SALI, Chairman

H 659 was placed on General Orders for consideration.

February 19, 2004

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 645, HCR 44, and S 1238** and recommend that they do pass.

DEAL, Chairman

H 645, HCR 44, and S 1238 were filed for second reading.

February 19, 2004

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 663** and recommend that it do pass.

CROW, Chairman

H 663 was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

SCR 124, by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Commerce and Human Resources Committee.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 729 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO DEATH OF AN INFANT; AMENDING SECTION 19-4301, IDAHO CODE, TO REQUIRE AN AUTOPSY UNDER SPECIFIED CONDITIONS OF UNEXPLAINED INFANT DEATH AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 730 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO LOCAL LAND USE PLANNING AND APPLICABILITY TO AGRICULTURAL LAND; AMENDING SECTION 67-6529, IDAHO CODE, TO STRIKE A RESTRICTION ENTITLING ONLY CERTAIN PERSONS TO PROVIDE COMMENT AT PUBLIC HEARINGS HELD BY BOARDS OF COUNTY COMMISSIONERS FOR THE SITING OF CERTAIN LARGE CONFINED ANIMAL FEEDING OPERATIONS AND FACILITIES.

HOUSE BILL NO. 731 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO THE EMERGENCY MEDICAL SERVICES FUND III; AMENDING SECTION 56-1018B, IDAHO CODE, TO PROVIDE ADDITIONAL CRITERIA TO GOVERN DISTRIBUTIONS FROM THE FUND AND TO CORRECT SUBSECTION REFERENCES.

HOUSE BILL NO. 732 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS FOR THE PUBLIC EMPLOYEE RETIREMENT SYSTEM FOR FISCAL YEAR 2005; CLARIFYING THE APPROPRIATION FOR THE PORTFOLIO INVESTMENT PROGRAM; AND LIMITING

THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

HOUSE BILL NO. 733
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2005; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

HOUSE BILL NO. 734
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF INSURANCE FOR FISCAL YEAR 2005; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

HOUSE BILL NO. 735
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF FINANCE FOR FISCAL YEAR 2005; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

HOUSE BILL NO. 736
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 2005; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

HOUSE BILL NO. 737
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2005; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND EXPRESSING LEGISLATIVE INTENT WITH REGARD TO SALARIES.

HOUSE BILL NO. 738
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-2203, IDAHO CODE, TO REVISE STANDARDS RELATING TO SHOOTING PRESERVES AND TO PROVIDE FOR GRANDFATHER RIGHTS.

HOUSE BILL NO. 739
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-602G, IDAHO CODE, TO PROVIDE A PROCEDURE FOR DETERMINATION AND COLLECTION OF PROPERTY TAX MONEYS THAT WERE IMPROPERLY CLAIMED OR APPROVED FOR THE FIFTY-FIFTY HOMEOWNER'S PROPERTY TAX EXEMPTION AND TO PROVIDE APPLICATION OF MONEYS COLLECTED TO THE THREE

PERCENT PROPERTY TAX CAP.

H 729, H 730, H 731, H 732, H 733, H 734, H 735, H 736, H 737, H 738, and H 739 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1277, by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Business Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

HJM 20, H 693, H 692, H 508, as amended, and **H 558**, as amended, by State Affairs Committee, were read the second time by title and filed for third reading.

H 715, by Appropriations Committee, was read the second time by title and filed for third reading.

H 656 and H 579, as amended, by Health and Welfare Committee, were read the second time by title and filed for third reading.

H 649, H 651, H 661, and H 512, as amended, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

H 670 and H 482, as amended, by Resources and Conservation Committee, were read the second time by title and filed for third reading.

S 1229 and S 1230, by Resources and Environment Committee, were read the second time by title and filed for third reading.

H 570, H 618, H 619, H 622, and H 499, as amended, by Business Committee, were read the second time by title and filed for third reading.

H 638, by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

H 571, H 642, H 643, H 644, H 668, H 587, as amended, and **H 590**, as amended, by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

S 1253, by State Affairs Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 627 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Boe to open debate.

Mr. Sali asked unanimous consent that **H 627** retain its place on the Third Reading Calendar for one Legislative Day. There being no objection, it was so ordered.

HCR 38 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ellsworth and Ms. Jaquet to open debate.

At this time, Mr. Denney took the Chair.

The question being, "Shall **HCR 38** be adopted?"

Roll call resulted as follows:

AYES -- Andersen, Bauer, Bayer, Bedke, Bell, Block, Boe, Bolz, Bradford, Cannon, Collins, Crow, Cuddy, Denney, Douglas, Edmunson, Ellsworth, Garrett, Harwood, Henbest, Jaquet, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Roberts, Robison, Sali, Schaefer, Shepherd, Shirley, Smith(30), Smylie, Trail, Wills, Wood. Total -- 48.

NAYS -- Barraclough, Barrett, Black, Campbell, Clark, Deal, Eberle, Eskridge, Field(18), Gagner, Kellogg(Nonini), Kulczyk, Ringo, Rydalch, Sayler, Skippen, Smith(24), Snodgrass, Stevenson. Total -- 19.

Absent and excused -- Field(23), Jones, Mr. Speaker. Total -- 3.

Total -- 70.

Whereupon the Speaker Pro Tem declared **HCR 38** adopted and ordered the transmitted to the Senate.

H 623 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Moyle to open debate.

The question being, "Shall **H 623** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg(Nonini), Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood. Total -- 65.

NAYS -- None.

Absent and excused -- Crow, Deal, Field(23), Jones,

Mr. Speaker. Total -- 5.
Total -- 70.

Whereupon the Speaker Pro Tem declared **H 623** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 515 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Roberts to open debate.

The question being, "Shall **H 515** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Garrett, Harwood, Henbest, Kellogg(Nonini), Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Moyle, Nielsen, Pasley-Stuart, Raybould, Ring, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood. Total -- 56.

NAYS -- Andersen, Boe, Jaquet, Mitchell, Naccarato, Ridinger, Ringo, Trail. Total -- 8.

Absent and excused -- Crow, Deal, Field(23), Gagner, Jones, Mr. Speaker. Total -- 6.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 515** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 526 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Meyer to open debate.

The question being, "Shall **H 526** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg(Nonini), Kulczyk, Lake, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills. Total -- 63.

NAYS -- Langford. Total -- 1.

Absent and excused -- Crow, Deal, Field(23), Jones, Wood, Mr. Speaker. Total -- 6.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 526** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 568 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Snodgrass to open debate.

The question being, "Shall **H 568** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Gagner, Garrett, Henbest, Jaquet, Kellogg(Nonini), Lake, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills. Total -- 60.

NAYS -- Barrett, Harwood, Kulczyk, McKague, Sali. Total -- 5.

Absent and excused -- Deal, Field(23), Jones, Wood, Mr. Speaker. Total -- 5.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 568** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 569 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Gagner to open debate.

The question being, "Shall **H 569** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg(Nonini), Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood. Total -- 65.

NAYS -- None.

Absent and excused -- Crow, Deal, Field(23), Jones, Mr. Speaker. Total -- 5.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 569** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Friday, February 20, 2004. Seconded by Mrs. Boe. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 12 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk